

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

SPECTRUM WT, *et al*,
Plaintiffs,
v.

WALTER WENDLER, *et al.*,
Defendants.

Case No.: 2:23-cv-00048-Z

Hon. Matthew J. Kacsmarik

PLAINTIFFS' SECOND NOTICE OF SUPPLEMENTAL AUTHORITY

Plaintiffs Spectrum WT, Barrett Bright, and Lauren Stovall (“Plaintiffs”) file this Notice of Supplemental Authority in support of their Amended Motion for Preliminary Injunction (Dkt. 30, 31), and their consolidated Reply in support of the same and Opposition to Defendants’ Motions to Dismiss (Dkt. 44, 45).

On June 16, 2023, Judge David Nuffer of the United States District Court for the District of Utah issued a preliminary injunction in *Southern Utah Drag Stars v. City of St. George*, No. 4:23-cv-00044-DN-PK (D. Utah June 16, 2023). A copy of the memorandum opinion, holding that a municipality violated the First Amendment by imposing a moratorium on special events permits that targeted drag shows, is attached as **Exhibit A**.

In *Southern Utah Drag Stars*, the court held, *inter alia*, that drag shows are among the forms of “live entertainment, such as musical and dramatic works,” protected by the First Amendment. Ex. A, Slip. Op. 37 (quoting *Schad v. Borough of Mount Ephraim*, 452 U.S. 61, 65 (1981)). The court stated that drag shows are a “medium of expression, containing political and social messages regarding (among

other messages) self-expression, gender stereotypes and roles, and LGBTQIA+ identity.” *Id.* at 38. This relates to Plaintiffs’ argument that drag is an art form, and also a mode of political and social expression, protected by the First Amendment. (Dkt. 28 (First Am. Verif. Compl.) ¶¶ 62–76; Dkt. 31 (Pls.’ Memo. in Supp. of Am. Mot. for Prelim. Inj.) at 10–11; Dkt. 45 (Pls.’ Combined Brief in Opp’n to Mots. to Dismiss & Reply in Supp. of Am. Mot. for Prelim. Inj.) at 8–10.)

Dated: June 20, 2023

Respectfully submitted,

/s/ JT Morris

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CERTIFICATE OF SERVICE

I hereby certify that on June 20, 2023, a true and correct copy of the foregoing document was transmitted via using the CM/ECF system, which automatically sends notice and a copy of the filing to all counsel of record.

/s/ JT Morris

JT Morris

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